

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

| | | |
|-------------------------|---|--------------------|
| NATIONAL AUTOMOTIVE |) | |
| PARTS ASSOCIATION, INC. |) | |
| |) | CIVIL ACTION |
| Plaintiff, |) | NO. MJG 02 CV 3310 |
| |) | |
| v. |) | |
| |) | |
| BEL AIR AUTOCARE |) | |
| CENTER, INC. and GARY |) | |
| FRANKLIN, |) | |
| |) | |
| Defendants. |) | |

PLAINTIFF'S MOTION FOR ENTRY OF SCHEDULING ORDER

COMES NOW, NATIONAL AUTOMOTIVE PARTS ASSOCIATION, INC. ("NAPA"), Plaintiff in the above-styled action, and moves this Honorable Court to enter the Proposed Scheduling Order, attached hereto, showing the Court as follows:

NAPA submits the Proposed Scheduling Order pursuant to this Court's Order of April 18, 2003, in which the Court directed NAPA to either file a proposed or agreed upon Scheduling Order, or file a Motion for Default Judgment. Although Defendants Bel Air Auto Care Center, Inc. and Gary Franklin ("Defendants") have not entered an appearance in this case, NAPA anticipates a need for limited discovery in order to prove damages before it can move for default judgment.

As such, NAPA respectfully requests that its Motion for Entry of Scheduling Order be GRANTED, and the Proposed Scheduling order be entered by the Court.

This 2nd day of May, 2003.

Respectfully submitted,

A/s/@Steven G. Hill

Steven G. Hill

Georgia Bar No. 354658

Admitted Pro Hac Vice

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

NATIONAL AUTOMOTIVE
PARTS ASSOCIATION, INC.

Plaintiff,

v.

BEL AIR AUTOCARE
CENTER, INC. and GARY
FRANKLIN,

Defendants.

CIVIL ACTION
NO. MJG 02 CV 3310

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing
PLAINTIFF'S MOTION FOR ENTRY OF SCHEDULING ORDER has
been served via U.S. Mail, postage prepaid, upon the following for
Defendants:

Gary Franklin
Bel Air Auto Care Center
418 N. Main St.
Bel Air, Maryland 21014

This 2nd day of May, 2003.

Respectfully Submitted,

A/s/@Steven G. Hill

Steven G. Hill
Georgia Bar No. 354658
Hill, Kertscher & Pixley

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NATIONAL AUTOMOTIVE
PARTS ASSOCIATION, INC.

Plaintiff,

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)
)
)
CIVIL ACTION
NO. MJG 02 CV 3310

(PROPOSED) SCHEDULING ORDER

Having heard from the Plaintiff on May 2, 2003, on matters regarding the schedule in this case, and recognizing that Defendants have failed to make an appearance in this case, the Court Orders that the following shall be the schedule for discovery in this case:

1. **Applicability.** This Scheduling Order sets forth the special rules governing the pre-trial proceedings in this matter. Except as otherwise provided herein, the Federal Rules of Civil Procedure and the Local Rules of this Court apply.
2. **Answer of Defendants.** Defendants shall have thirty (30) days from the entry of the Scheduling Order to file with the Court an Answer to the specific allegations in Plaintiff's Complaint.
3. **Dispositive Motions.** All dispositive motions by the parties, including Motions to Dismiss, Motions for Summary Judgment, and

Motions for Default Judgment, shall be filed within four (4) months of the entry of the Scheduling Order.

4. Discovery. The parties shall complete any necessary discovery within four (4) months of the entry of the Scheduling Order.

The Court shall not amend this scheduling order except upon a showing of good cause. It is so ordered this ____ day of _____, 2003.

Judge Marvin J. Garbis
United States District Court Judge
District of Maryland